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09/598,586	06/21/2000	Scott B Heintzeman	8477.99USCI	6546

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EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,586

Applicant(s)

HEINTZEMAN ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 41-76 have been examined. 09/598,586 is continuation of 08/892,563. Which is a continuation of 08/439,626, which is a continuation of 08/385,381 (Pat. No. 5,483,444), which is a continuation of 08/143,453 (dated 10/26/1993).

Response to Amendment

2. In response to Non Final Rejection filed 06/06/2005, the Applicant filed an Amendment on 11/07/2005, which amended claims 41, 49-61, 65-74 and 76.

Claim Rejections - 35 USC § 112

3. Claims 41-76 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims 41 and 61 recite an "online purchase of items". The Applicant's specification teaches a system that books travel-related reservations, but does not teach the online purchase of said reservations. Claims 55 and 70 recite "assigning points to the agent based upon the monetary value of the on-line purchase". The Applicant's specification does not teach this limitation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al (U.S. 5,434,394).

As per claims 41, Roach et al teach:

A computerized on-line incentive system for awarding points to a user conducting an on-line purchase, the system comprising:

(a) an access device connected to a network (see column 5, lines 45-55; figure 1);

(b) a computerized on-line sales environment, connected to the network and thereby accessible to the user of the access device, the on-line sales environment permitting the user to determine items that are for sale and conduct an on-line purchase of said items (see figure 1, column 5, line 45 – column 7, line 39; column 9, lines 51-61; column 12, lines 25-39). Roach teaches in column 12, lines 24-39 that “a determination is made whether the selected item of merchandise is in stock. If the selected item is not in stock, in step 332 the computer 18 prompts the operator to suggest products comparable to the unavailable merchandise by displaying information on the screen of the computer. In step 334, a determination is made whether the customer desires information concerning products comparable to the unavailable merchandise. If the customers desires information concerning products comparable to the unavailable merchandise, the computer 18 in step 336 displays comparable product information”. Therefore, Roach system advises a user whether items desired to be purchased are available for purchase prior to purchase, and if said items are not available, Roach provides said user with alternative items (see column 13, lines 45-50).

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(c) an on-line award system connected to the network, the on-line award system being in communication with the on-line sales environment and possessing an account holding a point total corresponding to the user (see column 7, lines 1-39; column 9, lines 51-63; column 10, lines 35-67; column 11, line 44 – column 12, line 15; column 13, lines 1-30). Roach does not teach that said user is an agent. However, Official Notice is taken that it is old and well known in the business art for a customer to make purchases for said customer's employer. For example, when a customer makes a purchase for said customer's employer, said customer is acting as an agent for said employer. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a customer using the Roach's online incentive system would be motivated to act as an agent for said customer's employer in view that said customer would receive rewards for making purchases for said customer's employer and in view that said customer would be doing his job as said employer's agent by placing said purchases for said employer.

As per claim 61, Roach teaches:

A computerized on-line method for awarding points to a user conducting an on-line purchase, comprising the steps of:

a) receiving on-line purchase information from the user via an access device connected to a network (see column 10, lines 1-35);

b) determining availability of an item to be purchased (see column 12, lines 21-38);

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c) communicating the on-line purchase information to an awards system following the purchase of said item (see column 7, lines 1-39; column 9, lines 51-63; column 10, lines 35-67; column 11, line 44 – column 12, line 15; column 13, lines 1-30).

d) awarding points to the user based on the on-line purchase information (see column 19, lines 15-30); and

e) cumulating the points in a specified account for the user (see column 19, lines 15-30). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 61.

As per claim 42, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the computerized on-line sales environment comprises:

(a) a computerized reception component adapted to receive information relating to the on-line purchase (see column 4, lines 24-46; column 5, lines 45-55);

(b) a computerized processing component adapted to process the information relating to the on-line purchase (see column 4, lines 24-46); and

(c) a computerized purchasing component adapted to effectuate the on-line purchase (see column 10, lines 36-67).

As per claim 43, Roach et al teach:

The computerized on-line sales environment of claim 42, wherein the reception component, processing component, and purchasing component reside on two or more computers that are in communication with each other and the network (see figure 1, 6).

As per claim 44, Roach et al teach:

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The computerized on-line incentive system of claim 41, wherein the computerized on-line sales environment comprises:

(a) a computerized on-line purchase system adapted to receive the on-line purchase request (see columns 5-6);

(b) a conversion system adapted to convert the on-line purchase request into one or more different formats (see column 10, line 36 – column 12, line 15); and

(c) an on-line purchase facility adapted to effectuate the on-line purchase (see column 10, line 36 – column 12, line 15).

As per claim 45, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the computerized on-line sales environment comprises one or more on-line purchase computers connected to the network, the on-line purchase computers being adapted to receive, process, and effectuate the online purchase request (see columns 10-12).

As per claims 46 and 62, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line award system further comprises a verifier classifying a point amount as pending until a predetermined event occurs and converting the pending point amount to a redeemable point amount after the occurrence of the event (see column 13, lines 10-30).

As per claims 47 and 63, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line award system further comprises a verifier classifying a point amount as pending for a predetermined amount of time after the assignment of the point amount and converting

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the pending point amount to a redeemable point amount after the predetermined amount of time (see columns 13-14).

As per claims 48 and 64, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line award system further comprises:

(a) a first verifier classifying a point amount as pending until a predetermined event occurs (see column 13); and

(b) a second verifier maintaining the point amount as pending for a predetermined amount of time after the occurrence of the event and converting the pending point amount to redeemable after the predetermined amount of time (see columns 13-14).

As per claim 49, Roach et al teach:

The computerized on-line incentive system of claim 42, wherein the information relating to the on-line purchase includes a log-in identifier related to the user (see column 11, lines 11-18). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 49.

As per claims 50 and 65, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line awards system further comprises a reporter adapted to report the point total assigned to the user (see figures 4a, 4b). Roach does not teach that said user is also an agent.

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However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 50.

As per claims 51 and 66, Roach et al teach:

The computerized on-line incentive system of claim 50, wherein the reporter reports on-line the point total to the user (see figures 4a, 4b). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 51.

As per claims 52 and 67, Roach et al teach:

The computerized on-line incentive system of claim 50, wherein the reporter reports in a hard copy format the point total for the user (see figure 4e). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 52.

As per claims 53 and 68, Roach et al teach:

The computerized on-line incentive system of claim 50, wherein the reporter reports a pending point total for the user (see column 13, lines 10-30). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 53.

As per claims 54 and 69, Roach et al teach:

The computerized on-line incentive system of claim 50, wherein the reporter reports a redeemable point total for the user (see column 13, lines 10-30). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 54.

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As per claims 55 and 70, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line awards system awards a point amount to the user 's account based on the monetary value of the on-line purchase (see column 10, line 36 – column 11, line 4). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 55.

As per claims 56 and 71, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line awards system identifies on-line whether the user has previously received points (see column 9, lines 50-62; column 13, lines 10-30). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 56.

As per claims 57 and 72, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line awards system assigns a bonus point amount to the user based upon a predetermined activity in conjunction with the on-line purchase (see column 13, lines 10-30). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 57.

As per claims 58 and 73, Roach et al teach:

The computerized on-line incentive system of claim 57, wherein the on-line award system assigns the bonus point amount to the user based upon one or more given criteria (see column 13). Roach does not teach that said user is also an agent.

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However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 58.

As per claims 59 and 74, Roach et al teach:

The computerized on-line incentive system of claim 42, wherein the information relating to the on-line purchase uniquely identifies the user (see column 7, lines 11-38). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 59.

As per claims 60 and 75, Roach et al teach:

The computerized on-line incentive system of claim 41, wherein the on-line awards system modifies the user's point total in response to adjustment or cancellation of the online purchase (see column 11, lines 5-19). Roach does not teach that said user is also an agent. However, the same rejection applied to claim 41 regarding said missing limitation is also applied to claim 49.

Response to Arguments

5. Applicant's arguments filed 11/07/2005 have been fully considered but they are not persuasive. The Applicant argues that his claimed invention teaches an online purchase of reservation and that booking is an online purchase. The Examiner answers that Applicant's specification teaches a system for making or booking travel related reservations but does not teach that said booking is an online purchase. Applicant's specification page 9, lines 19-30 teaches "that a verification of the credit is typically based upon both an event and time. For example, with respect to hotel reservations, award system typically waits until a customer who requested the hotel reservation

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checks out of the corresponding hotel". The Examiner answers that if said customer would have purchased said hotel reservation, there would have been no need to check if said customer checkout from said hotel. Instead the verification system would have verified if said customer requested a refund or said Applicant's specification would have mentioned a cancellation fee. However, Applicant's specification does not teach anything about requesting a refund or a cancellation fee. Therefore, Applicant's specification does not have support for claiming an online purchase.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

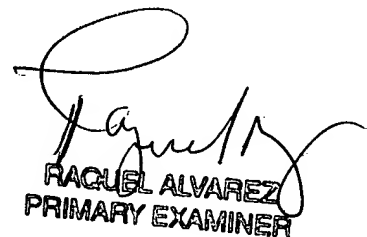
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
January 22, 2006


RAQUEL ALVAREZ
PRIMARY EXAMINER